



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3013202
Applicant Name: Paul Pierce
Address of Proposal: 5002 Ivanhoe Place Northeast

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land. Proposed parcel sizes are 5,000 square feet, and 11,542 square feet. Existing structure to be demolished.

The following approvals are required:

Short Subdivision – to subdivide one existing parcels of land into two parcels of land.
(Seattle Municipal Code Chapter 23.24)

SEPA – Environmental Determination – Review of development proposal in areas mapped as Environmentally Critical Areas. (Seattle Municipal Code Chapter 25.09)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition,
or involving another agency with jurisdiction.

BACKGROUND DATA

Zoning: Single Family (SF 5000)

Uses on Site: One single family residence

Substantive Site Characteristics:

The single lot totals approximately 16,542 sq. ft. The irregular shaped site fronts onto the corner of Ivanhoe Place Northeast and Northeast 50th St. A single family house occupies the lot. The site descends roughly 16 feet from the street to the rear of the property. The property has two mapped environmentally critical areas consisting of steep slope and wildlife habitat.

The site is zoned Single Family residential with a minimum lot area requirement of 5,000 square feet (SF 5000). The SF 5000 zone extends south, and west of the site, while the zoning to the east and north is SF 9600 (Single Family residential with a minimum lot area requirement of 9,600 square feet). Surrounding development reflects the zoning insofar as most properties in the vicinity are developed with single family structures of varying age and architectural style. The Villa Academy, an institutional use, is located to the south of the site and Windermere Park lies to the east.

The northeast rear edge of the site is identified as lying within a steep slope environmentally critical area (ECA) pursuant to Seattle Municipal Code Chapter 25.09, Regulations for Environmentally Critical Areas. In addition, a second ECA, wildlife habitat, covering a large portion of the Villa property and Windermere Park, includes the subject site and the immediate neighbors.

The critical steep slope area lies predominantly along the rear property line. The applicant has delineated a 15 foot steep slope buffer extending roughly from this property line.

Public Comment:

DPD received approximately 17 comment letters and several phone calls. The letters focused on a variety of issues including the following: the steep slope on the site (and potential landslide); an off-site wetland; an off-site eagle's nest; and frequent flooding on the street and on adjacent properties. The letters also commented upon the vacation of a portion of NE 50th St and a concern about new development not being in character with the neighborhood. DPD honored the requests to extend the comment period.

Comment letters, application documents, and associated materials may be found in the Land Use Application file, which is available for review at DPD's Public Resource Center (PRC), 700 Fifth Ave, Suite 2000 (<http://www.seattle.gov/dpd/PRC/LocationHours/default.asp>).

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. Conformance to the applicable Land Use Code provisions;

The subject property is zoned for single-family residential uses with a minimum lot size of 5,000 square feet. The proposal has been reviewed for conformance with the applicable Land Use Code provisions; the lots created by this proposed division of land would conform to all applicable development standards of the SF 5000 zone designation. The proposed parcels would provide adequate buildable area to meet applicable yards, lot coverage requirements, and other applicable Land Use Code development standards.

2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;

The new lots would have direct access to Ivanhoe Place NE. The Seattle Fire Department has reviewed and approved the proposed short plat for emergency vehicle access, subject to future development meeting Seattle Fire Code requirements. All private utilities are available in this

area. Seattle City Light provides electrical service to the surrounding area and has required an easement for overhead and underground infrastructure. The City Light easement is included in the short plat documents. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. Adequacy of drainage, water supply, and sanitary sewage disposal;

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. Seattle Public Utilities reviewed the short plat application, and a Water Availability Certificate #20120727 completed on July 23, 2012.

4. Whether the public use and interests are served by permitting the proposed division of land;

The proposed subdivision is consistent with relevant SF 5000 zone land use policies and meets the minimum provisions of the Seattle Land Use Code. The proposal will meet all applicable criteria for approval of a short plat as discussed in this analysis and decision upon completion of the conditions of this decision. The public use and interests are served by permitting the proposed division of land.

5. Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;

As shown in a submitted topographical survey, on the City's GIS mapping application, and as defined in SMC Chapter 25.09, the site contains the following ECAs: steep slope and wildlife habitat.

Steep slopes have been identified near a portion of the site's rear property line. A 15 foot buffer, delineated on the short plat, extends into the property within the rear yard. Development cannot occur in the portion of the site without further DPD review.

Due to the presence of an eagle's nest on the Villa Academy property, a wildlife habitat designation encompasses an extensive area including the subject property from the general location of the nest. According to the U.S. Fish and Wildlife Service, eagles do not currently reside there; however, if eagles were to occupy the nest during nesting season, restrictions on the timing of construction would be in effect. The construction permit application (#6326499) acknowledges this circumstance.

An unmapped wetland area was identified on the adjacent Villa Academy property. The wetland lies to the southeast of the subject property. The applicant's consultant, Talasaea Consultants, Inc., classified the wetland as a Category III requiring a 60 foot buffer. The consultant's buffer reaches just shy of the subject property's southeast corner. DPD confirms the consultant's findings.

The ECA regulations restrict development in the above listed environmentally critical areas (SMC 25.09). As a condition of this land use application the applicant shall clearly call out on the plans all “Non-disturbance areas” within the steep slope, per SMC 25.09.060, 25.09.240, and 25.09.335. The steep slope area and buffer shall be clearly delineated and labeled on the final site plan. An ECA Covenant shall be recorded with the King County Office of Records and Elections stating (to the effect) that “No land disturbing activities, such as construction, excavation or grading shall occur (except by permit in accordance with applicable provisions of the Seattle Municipal Code) in the steep slope area as defined in Chapter 25.09 of the Seattle Municipal Code”.

Review of the proposal indicated that all of the requirements and restrictions of the ECA regulations for short subdivisions have been met (SMC 25.09.240), subject to the conditions at the end of this report.

The ECA Regulations (SMC 25.09), the Grading Code (SMC 22.800), and the Seattle Building Code provide adequate regulatory authority for protecting the critical area and allowing development on the steep slope portion of the site.

6. Is designed to maximize the retention of existing trees;

The proposed siting of the two future single family structures appears to maximize preservation of existing trees.

The development plans are conceptual only. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060 which set forth tree planting requirements on single family lots.

7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

This criterion is not applicable to this short subdivision.

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light (SCL), and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision.

The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions.

Review of the proposal indicated that the requirements and restrictions of the ECA regulations for short subdivisions have been met (SMC 25.09.240), subject to the conditions at the end of this report. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**

ANALYSIS – SEPA

The proposal site contains the following types of Environmentally Critical Areas: *steep slope, and wildlife habitat*, thus environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 14, 2012. The information in the checklist, a wetland's report by Talasaea Consultants, Inc, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The SEPA Overview Policy clarifies the relationship between codes, policies, and environmental review (SCM 25.05.665). Specific policies for each element of the environment and certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, “*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*” subject to some limitations. Thus, a more detailed discussion of some of the impacts is appropriate. Short and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected with future construction: temporary soil erosion, decreased air quality due to increased dust and other suspended air particulates during excavation and construction, and consumption of renewable and non-renewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance, former DR 33-2006, and current DR 18-2011, regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Building code provides for construction measures and life safety issues. Compliance with these applicable codes and ordinances will reduce or eliminate short-term impacts to the environmentally critical area and no further conditioning pursuant to SEPA policies is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces (related to future improvements on the site), increased demand on public services and utilities, and loss of plant and animal habitat.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance and the Stormwater Code, which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS - SEPA

None required.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. The final short plat must designate "Non-Disturbance" areas (steep slope and steep slope buffer). A note, including the definition of a "Non-disturbance" area must be placed on the final plat. Install and indicate location of steep slope markers.
2. On the final short plat, provide a delineation of the Steep Slope Critical Area and its buffer. Designate these areas as "Steep Slope Critical Areas" and "Steep Slope Buffer Area".
3. Provide an ECA covenant per SMC 25.09.240D.

Signature: _____ (signature on file) Date: November 8, 2012
Bruce P. Rips, Senior Land Use Planner
Department of Planning and Development

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